

E-FILED on 5/19/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOEL A. GERBER, Individually and On Behalf
of All Others Similarly Situated,

Plaintiff,

v.

ROCHE HOLDING LTD and ROCHE
INVESTMENTS USA INC.,

Defendants.

No. C-09-00785 RMW


ORDER GRANTING MOTION TO STAY

[Re Docket No. 7]

Plaintiff has moved to stay this action pending the decision by the Delaware Chancery Court to approve a global settlement in a consolidated action pending in the Court of Chancery of the State of Delaware, *In re Genentech Shareholders Litigation, Inc.* Case No. 3911-VCS, hearing on which is presently calendared for July 9, 2009. This motion may be determined without oral argument and the May 22, 2009 hearing date is vacated.

For good cause appearing, the motion is granted. This action is hereby stayed pending final approval of the proposed settlement in the Delaware Action. Within 20 days following the Delaware Court's ruling on the motion for approval of settlement, plaintiff shall either submit a request for voluntary dismissal of this action or contact the court to arrange for the issuance of an amended Case Scheduling Order setting deadlines for the further progress of the case.

DATED: 5/19/09



RONALD M. WHYTE
United States District Judge

1 Notice of this document has been electronically sent to:

2 **Counsel for Plaintiff:**

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6 **Counsel for Defendants:**

7 [No appearance]

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10 Counsel are responsible for distributing copies of this document to co-counsel that have not
11 registered for e-filing under the court's CM/ECF program.

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13 **Dated:** 5/19/09

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14 **Chambers of Judge Whyte**